2017 PAI PLAN

The necessity of a Private Attorney Involvement (PAI) plan is referenced in 45 CFR 1614, as revised effective December 2016. However "PAI" is a term of art that includes not only private attorneys but retired attorneys, inactive attorneys, limited certificate attorneys, law graduates, law students and others. A PAI plan governs the expenditures supporting Private Attorney Involvement. It is intended to inform South Carolina Legal Services' (SCLS) clients, the private bar and other stakeholders of the essential features of SCLS' plan to expend 12.5% of its annual LSC grant by the utilization of the private bar in the delivery of services by SCLS.

The plan involves both pro bono and compensated components.

The pro bono component consists of serving as the intake resource for the South Carolina Bar Pro Bono Program. SCLS, through its statewide central intake office and through its branch offices, will send selected intakes to the SC Bar Pro Bono Program for potential referral. In addition, SCLS will screen such referrals. Additionally, SCLS in partnership with the SC Access to Justice Commission's Incubator Program, will refer cases and consult with new private attorneys who accept those referrals from that program.

South Carolina has a long tradition of pro bono, contract attorney and Judicare programs that had common features. Reduced fees, fixed hourly rates and referrals in specific substantive areas (such as bankruptcy, divorce and the like) were frequently part of the historic Judicare programs. A county-

by- county spending plan has been devised to guide the managing attorneys in making their referrals. Referrals will be made as a by-product of the regular case acceptance meetings being conducted within local offices. The referrals will include confirming letters to the client and the receiving attorney setting forth a description of the referral process and notifying the client of special features of the PAI program. Clients referred to PAI will be subject to the signing of citizenship attestation forms, financial eligibility criteria to the identical extent as if they were being served in-house. Receiving attorneys will invoice SCLS at the local offices. The managing attorney will approve the invoice and it will be forwarded to the Comptroller for approval of SCLS senior management. Thereafter, the invoice will be paid. Managing attorneys, in conjunction with their staffs, will perform regular oversight to insure quality control and to track financial encumbrance.

Range of Activities: The recent revision of 45CFR 1614 affords expansion of permissible PAI referrals. In addition to private attorney, SCLS will meet its PAI obligation by utilization of law students, retired attorneys, inactive attorneys, limited certificate attorneys and other professionals such as court reporters. Payments made and costs incurred by SCLS in support of these expanded referrals are legitimate PAI expenses. In addition, Legal Services Corporation LSC) has clarified that both legal assistance (i.e. traditional representation) and legal information (such as clinics) can count toward PAI provided that all pertinent regulations are followed.

Law Students: Both law schools in the state have pro bono components for law students. SCLS will take advantage of the willingness of law students to participate in delivery of service to clients. The PAI regulations permit staff time engaged with law students to be charged against the PAI obligation.

Retired, Inactive and Limited Certificate Attorneys: Consistent with the Rules of Professional Conduct, SCLS may use inactive attorneys to deliver services to its clients. The rules permit these attorneys to participate when they operate under the umbrella of SCLS. The range of activities may

include traditional advocacy, clinics, website design and information, brief writing, mooting and other activities taken for the benefit of income-eligible populations.

Contract Attorneys: As in years past, SCLS will plan to use a reduced fee panel of attorneys through which to rotate client referrals. All cases must be handled in accordance with LSC requirements as to income, assets, citizenship and other eligibility mandates. The time spent by the referral attorneys and SCLS staff are compensable under PAI regulations. In addition to traditional advocacy PAI attorneys may also bill for consultation on cases, legal writing, evaluation and clinic work.

Out of Pocket Costs: Where a pro bono case or compensated case is part of the SCLS caseload with oversight and an assigned case number ad acceptance date, SCLS may pay for court fees, postage, transcripts, brief printing, binding, appellate costs, expert witnesses and related fees when done for the benefit of an SCLS client.

PAI Recruitment: Excepting the LATIS program, each of the SCLS offices will recruit locally to identify members of the private bar and other professionals (including retired attorneys, limited certificate attorneys, inactive attorneys and others) who are receptive to referrals. Recruitment methods may be quite imaginative and will include exhibit booths at annual meetings of organized bars to include the South Carolina Bar and specialty and minority bar associations. In addition, the holding of open houses, publication in print and broadcast media and use of endorsement by current attorneys are all possible recruitment tools.

One recognized means of recruitment is for SCLS staff to join the county bar associations. Staff attorneys can then look for opportunities to recruit at bar functions and to appeal for new PAI attorneys to sign agreements. Recruitment, at a minimum, should insure that every interested attorney is approached through some means so that all involved have been invited to participate, whatever the form of the invitation.

Retention of Private Attorneys: This plan acknowledges the need to promote retention of current PAI attorneys as well as the expanded group of other professionals including retired, inactive attorneys and law graduates and law students. PAI is a valuable program resource. It is equivalent to several staff attorneys in its capacity to take cases. It is important to note that private attorneys can accept referrals in substantive areas not found within our core staff such as tax, business associations and labor law. Retention must be systematic and can include recognition such as awards, certificates and thank you letters. Bills must be paid promptly and the cases being referred should always be of good quality. It should be conveyed in ways both direct and indirect that PAI is a valuable component of SCLS' delivery of legal aid to its clients. SCLS will, during each calendar year, promote substantive CLE accredited seminars to its private attorney corps.

SCLs is also budgeting for internal expenses related to PAI. For instance, each of the senior managers and managing attorneys will devote professional time to PAI. This will be entered contemporaneously in the firm's case management timekeeping system and accounted for during and at year-end. Likewise, accounting of intake staff labor will be included. This PAI plan will be circulated to applicable bar associations and client groups for consultation on its features.

The PAI budget, 12.5% of the SCLS' LSC budget, will be set forth in Attachment A.

ATTACHMENT A

Contract Payments	$524,800
(Hours @$65 and payment of certain costs to Contractors)	
Staff and overhead	$163,368
(Intake, referral, oversight, billing and other support to the contractors and allocated costs)	
Marketing of PAI	$10,000
(Advertisement in South Carolina Lawyers, SC Lawyers Weekly, Open Houses at various offices, postage, brochures, printing, Bar memberships in all counties served by SCLS, ABA training, related expenses)	
Contingency	$30,000
(Reserve to fund overages in above categories)	
TOTAL	$728,168